

REFERENCE TITLE: water banking; technical correction; clarification

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HB 2728

Introduced by
Representatives McLain: Groe

AN ACT

AMENDING SECTION 45-2427, ARIZONA REVISED STATUTES; RELATING TO THE ARIZONA WATER BANKING AUTHORITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 45-2427, Arizona Revised Statutes, is amended to
3 read:

4 **45-2427. Limitation on powers**

5 A. This chapter does not authorize the authority to exercise any right
6 of eminent domain.

7 B. The authority shall not store Colorado river water that would
8 otherwise have been used in this state pursuant to a contract entered into
9 pursuant to section 48-3703, paragraph 2, a section 5 contract under the
10 Boulder Canyon project act (P.L. 108-6; 43 United States Code section 617)
11 with a priority that is equal to or higher than a contract entered into
12 pursuant to section 48-3703, paragraph 2 or any other section 5 contract
13 under the Boulder Canyon project act entered into before ~~the effective date~~
14 ~~of this amendment to this section SEPTEMBER 18, 2003.~~ The authority shall
15 not store for interstate water banking purposes Colorado river water that
16 would otherwise have been used in this state.

17 C. The authority shall not enter into contracts with agencies in
18 California and Nevada for the storage of water on their behalf until both of
19 the following occur:

20 1. Regulations are in effect, promulgated by the secretary of the
21 interior of the United States, that facilitate and allow the contractual
22 distribution of unused entitlement under article II(b)(6) of the decree.

23 2. The director finds that the rules promulgated by the secretary of
24 the interior adequately protect this state's rights to Colorado river water,
25 as those rights are defined by the decree.

26 D. The authority shall not enter into water banking services
27 agreements that will provide water for use outside this state. The authority
28 may cancel any water banking services agreement without penalty or further
29 obligation if after entering into a water banking services agreement, the
30 authority finds that the agreement will provide water for use outside of this
31 state. Notice of this subsection shall be included in every water banking
32 services agreement entered into by the authority. The cancellation under
33 this subsection shall be effective when written notice from the authority is
34 received by all other parties to the water banking services agreement.